

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.239

CRM-M-10236-2021

Date of decision: 20.04.2021

Rahul

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Siddharth Batra, Advocate and
Mr. Abhinav Sood, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.700 dated 04.10.2020 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Rohtak City, district Rohtak.

The petitioner is being prosecuted for having been found in illegal possession of 22 bottles of 100 ml each containing codeine phosphate (Wincirex Syrup).

Learned counsel for the petitioner submits that the petitioner, who is a 20 year old young boy, has been falsely implicated in the present case; the petitioner has been in custody since 04.10.2020; the report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation; there is no other criminal case pending against him; the petitioner is also not in a position to influence the trial as all the prosecution witnesses are official witnesses and that the petitioner's trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has been found in illegal possession of 22 bottles of 100 ml each containing codeine phosphate (Wincirex Syrup) and that if he is released on bail he may indulge in similar offences.

The petitioner is a young boy aged 20 years; he has no criminal antecedents; the report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation; he is also not in a position to influence the trial as all the prosecution witnesses are official witnesses and that the petitioner's trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rohtak, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

April 20, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No